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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,901	02/02/2004	Richard D. Ferdolage	UT02012004	1091

31105 7590 05/24/2006

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EXAMINER

CADUGAN, ERICA E

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Response to Rule 312 Communication	Application No.	Applicant(s)	
	10/770,901	FERDOLAGE, RICHARD D.	
	Examiner	Art Unit	
	Erica E. Cadugan	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 30 April 2006 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.


c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☒ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

*It is noted that the notice of allowance mailed April 3, 2006 (which Applicant's Rule 312 amendment indicated was received) was sent with a formal Examiner's Amendment that made many changes to both the claims and the abstract. The amendments set forth in that Examiner's Amendment (of 4/3/06) represent the most current set of claims, i.e., the claims as allowed. Applicant's Rule 312 amendment, firstly, does not appear to be an amendment to the most current set of claims, but appears to be an amendment to the claims as they appeared prior to the Examiner's Amendment. Secondly, it appears as though at least most of the changes that Applicant is attempting to make to the claims re a Rule 312 amendment after allowance are the same as changes made in the Examiner's Amendment of April 3 (though the 312 amendment of 4/30/06 does not incorporate *all* changes from the Examiner's Amendment, see at least claims 20 and 23 and the change to the abstract). From Applicant's comments, it appears as though the 312 amendment of 4/30/06 was intended to put the case in condition for allowance. However, Examiner notes that this is unnecessary, as the case was already allowed as indicated by the notice of allowance and Examiner's Amendment mailed April 3, 2006.*


Erica E Cadugan
Primary Examiner
Art Unit: 3722